

CITY COUNCIL REPORT



Meeting Date: June 16, 2015
 General Plan Element: *Community Mobility*
 General Plan Goal: *Safety, efficiently, and effectively move people, goods, and information.*

ACTION

Hunkapi Farms Abandonment 7-AB-2011#2

Request to consider the following:

1. Adopt Resolution No. 10102 approving to abandon the south ten (10) feet of a twenty-five (25) foot right-of-way and public utility easement located along the northern property line of a parcel located at 11250 E. Arabian Park Drive with Single-Family Residential District (R1-43) zoning.

Key Items for Consideration

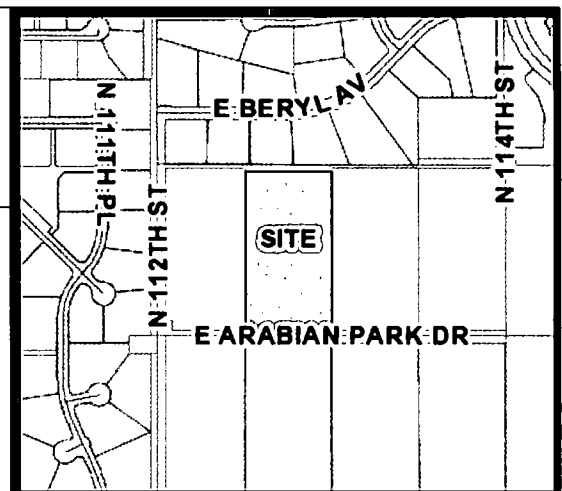
- City Council approved this request previously as case 7-AB-2011, on October 18, 2011.
- The previous approval expired when the conditions of the resolution were not completed.
- This application is consistent with previous abandonments that have occurred on the adjacent properties, along the E Gold Dust Avenue alignment, to preserve fifteen (15) feet of public right of way for a future trail alignment.
- Access to the surrounding properties will not be affected by the proposed abandonment.
- Planning Commission heard this case on May 13, 2015 and recommended approval with a unanimous vote of 7-0.

OWNER

BSG Properties, LLC
480-201-8242

APPLICANT CONTACT

Terra Schaad
Hunkapi Programs Inc
480-393-0870



LOCATION

11250 E Arabian Park Dr

BACKGROUND

General Plan

The General Plan Land Use Element designates the property as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities in Rural Neighborhoods are usually one house per one acre (or more) of land.

Character Area Plan

This site is located within the Rural Character Area. Rural Character Types contain relatively low-density and large lot development, including horse privilege neighborhoods and low-density resorts as well as areas with particularly sensitive and unique natural environments.

Zoning

The site is zoned Single-Family Residential District (R1-43). The R1-43 zoning district allows for single family residential uses. This area was annexed into the City of Scottsdale in May of 1975, through Ordinance 913. The annexed area was rezoned from the county designation to Single-Family Residential District (R1-43) through case 31-ZN-1975.

Context

The subject property is located along E. Arabian Park Drive, south of E. Shea Boulevard and east of N. 112th Street. The proposed right of way to be abandoned lies along the E. Gold Dust Avenue alignment.

Adjacent Uses and Zoning

- North The subdivision of Montana Vistas; zoned (R1-43 PRD) Single-Family Residential, Planned Residential Development District.
- South The subdivision of Stonegate Parcel I; zoned (R1-18 PCD) Single-Family Residential, Planned Community District.
- East The subdivision of Arabian Park Manor I; zoned (R1-43 PRD) Single-Family Residential, Planned Residential Development District.
- West The subdivision of Rancho Mirada; zoned (R1-43 PRD) Single-Family Residential, Planned Residential District.

Other Related Policies, References:

The neighboring properties along the north side of E. Arabian Park Drive were granted similar abandonments under cases 5-AB-2007, 17-AB-2006, and 13-AB-2005. In each case fifteen (15) feet of right of way was retained for use as a future public trail alignment.

This abandonment request was previously approved by City Council as case 7-AB-2011, but the previous approval expired when the conditions of the resolution were not completed.

APPLICANTS PROPOSAL

Goal/Purpose of Request

The applicant's request is for re-approval to abandon the south ten (10) feet of a twenty-five (25) foot right-of-way and public utility easement located along the northern property line of a parcel located at 11250 E Arabian Park Drive with Single-Family Residential District (R1-43) zoning.

IMPACT ANALYSIS

Land Use

This abandonment will result in an increased building envelope for the affected lot and will eliminate an existing conflict between the location of an accessory structure and the north property line, but will not affect the existing single-family residence.

The existing accessory structures on the site will not be negatively affected by retaining a portion of the right of way at the northern property boundary, as the E. Gold Dust Avenue alignment has historically been classified as an alley for the purposes of determining building setbacks.

Traffic/Trails

The E. Gold Dust Avenue alignment, along the northern boundary of the subject property, contains an existing fifteen (15) foot equestrian easement and has been designated as a potential future public trail alignment by the AD HOC Citizen Trails Taskforce.

Twenty-five (25) feet of public right of way is proposed to be dedicated to the City of Scottsdale along the southern boundary of the subject parcel to complete the north half of E. Arabian Park Drive and replace an existing twenty-five foot Public Utility/Ingress and Egress easement previously utilized for access to this parcel.

Water/Sewer

The utility companies serving the area have no objection to this abandonment. Letters of approval are on file.

Community Involvement

Property owners within 750 feet of the proposed abandonment were notified of this application. No letters in opposition have been received at the time of writing this report.

Community Impact

No properties will be denied access as a result of this abandonment. The reserved fifteen (15) feet of the original twenty-five (25) feet of right of way will be retained for use as a public trail alignment.

OTHER BOARDS & COMMISSIONS

Staff Recommendation to Planning Commission

Staff recommended that the Planning Commission provide a recommendation to City Council for approval of the request to abandon the south ten (10) feet of a twenty-five (25) foot right of way and public utility easement located along the northern property line of a parcel located at 11250 E Arabian Park Drive with Single-Family Residential District (R1-43) zoning; finding that the proposed abandonment is consistent with and conforms to the adopted General Plan.

The following stipulation must be met prior to recording the abandonment:

The owners of the subject property shall dedicate twenty-five (25) feet of public right of way for the north half of E. Arabian Park Drive along the southern property boundary.

Planning Commission

Planning Commission heard this case on May 13, 2015 and recommended approval with a unanimous vote of 7-0.

The Planning Commission heard this request originally as case 7-AB-2011 on September 14, 2011, and approved the case with a unanimous vote of 7-0.

City Council

City Council heard this request originally as case 7-AB-2011 on October 18, 2011, and approved the case with a unanimous vote of 7-0.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach:

1. Adopt Resolution No. 10102 approving to abandon the south ten (10) feet of a twenty-five (25) foot right-of-way and public utility easement located along the northern property line of a parcel located at 11250 E. Arabian Park Drive with Single-Family Residential District (R1-43) zoning.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT


Jeff Barnes

Planner

480-312-2376

E-mail: jbarnes@ScottsdaleAZ.gov

APPROVED BY



Jeff Barnes, Report Author

6/2/2015


Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

6/1/2015

Date



Randy Grant, Director
Planning and Development Services
480-312-2664, rgrant@scottsdaleaz.gov

6/1/15

Date

ATTACHMENTS

1. Resolution No. 10102
2. Applicant's Narrative
3. Context Aerial
- 3A. Aerial Close-Up
4. Zoning Map
5. Site Plan
6. Trails Map
7. Abandonment History Map
8. Notification Map
9. May 13, 2015 Planning Commission minutes

RESOLUTION NO. 10102

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ABANDONING, SUBJECT TO CONDITIONS AND RESERVATIONS, CERTAIN INTERESTS IN A PORTION OF THE PUBLIC RIGHT-OF-WAY FOR GOLD DUST AVENUE BETWEEN 112TH STREET AND 114TH STREET

(7-AB-2011 #2)

WHEREAS:

A. A.R.S. Sec. 28-7201, et seq., provide that a city may dispose of a public roadway or portion thereof that is no longer necessary for public use.

B. After notice to the public, the City of Scottsdale ("City") planning commission and City Council have held hearings on the proposed abandonment of that portion of the street right-of-way (the "Abandonment Right-of-way") described on **Exhibit "A"** and **Exhibit "B"** attached hereto.

C. The city council finds that, subject to the requirements, reservations and limitations of this resolution, the Abandonment Right-of-way is no longer necessary for public use.

D. The city council finds that consideration and other public benefit commensurate with the value of the interests in the Abandonment Right-of-way being abandoned, giving due consideration to its degree of fragmentation and marketability, will be provided to City by the owners of the abutting property.

E. The city council has considered the City expenditure authorized by this Agreement and the direct consideration that City will receive and finds that there is a clearly identified public purpose for City's expenditure and that City will receive direct consideration substantially equal to its expenditure.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Scottsdale, Arizona, as follows:

1. Abandonment. Subject to the reservations below, City's interests comprising the Abandonment Right-of-way are hereby abandoned.
2. Reservations. City reserves to itself and excludes from this abandonment all of the following cumulative, perpetual interests:

2.1 Any and all interests in the Abandonment Right-of-way that this resolution or any related application, zoning case, plat, lot split, use permit, or other land use regulatory process or requirements may require to be dedicated to City.

2.2 Any of the following in favor of City that may already have been imposed on the Abandonment Right-of-way prior to this resolution, if any:

2.2.1 Any V.N.A.E. or other vehicular non-access easement or covenant.

2.2.2 Any open space or similar easement or covenant.

2.2.3 Any scenic corridor, setback or similar easement or covenant.

2.3 An easement for all existing utilities, if any.

2.4 Such rights and interests, if any, as are required to be reserved by A.R.S. Sec. 28-7210 and A.R.S. Sec. 28-7215.

3. Effective Date. This resolution shall not be recorded or become effective until all of the following conditions are satisfied in accordance with all applicable laws, regulations and policies and at no expense to City:

3.1 The owners of the parcel described on **Exhibit "C"** and **Exhibit "D"** attached hereto (and all lenders, tenants, and other interest holders in such parcels) shall convey to City using City specified forms covering the south twenty-five (25) feet of such parcel fee title for a street right-of-way.

3.2 The zoning administrator executes the certificate at the bottom of this resolution indicating that the above conditions have been satisfied.

3.3 If any of the foregoing conditions are not satisfied within one year after the date of this resolution, or if this resolution is not recorded within one year after the date of this resolution, then the city clerk shall mark this resolution to indicate that this resolution is void.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of _____, 20____.

City of Scottsdale, an Arizona municipal corporation

W. J. "Jim" Lane, Mayor

ATTEST:

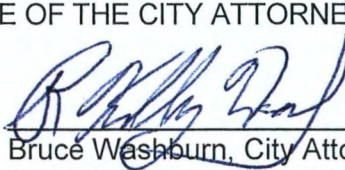
By:

Carolyn Jagger, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

By:

 R. Kelly Ward
for
Bruce Washburn, City Attorney

CERTIFICATE

I am the zoning administrator of the City of Scottsdale. I certify that I have confirmed that the conditions stated in paragraph 3 of the abandonment resolution above have been fulfilled and the resolution is ready to be recorded and become effective.

DATED this _____ day of _____, 20_____.

signature

name printed

Table of Exhibits

<u>Exhibit</u>	<u>Paragraph</u>	<u>Description</u>
A	B	Legal description of street right-of-way to be abandoned
B	B	Scaled and dimensioned drawing to accompany legal description of street right-of-way to be abandoned
C	3.1	Legal description of a larger parcel from which the south 25 feet will be dedicated as a street
D	3.1	Scaled and dimensioned drawing to accompany legal description of a larger parcel from which the south 25 feet will be dedicated as a street

[Note: This page is not part of the resolution. Remove it before the council hearing.]

Memo to the City Clerk from the Project Coordinator

Regarding resolution No. 10102 (abandonment case no. 7-AB-2011 #2)

According to paragraph 3 of this abandonment resolution, **this resolution is not to be recorded until the conditions are satisfied.**

Please do not record this abandonment resolution until the zoning administrator signs the certificate confirming that the conditions have been satisfied. The resolution will be void if the resolution is not recorded before the one-year anniversary of the city council hearing to approve the resolution.

I will monitor the conditions and inform you when they are satisfied.

About ten months after the hearing, if the zoning administrator has not already signed and delivered to you the certificate confirming that the conditions have been satisfied, I will contact you to give you a status report. At that time, one of the following three possibilities will be true:

1. The conditions will be satisfied at the last minute so that the resolution can be recorded and become effective.
2. The conditions will not be satisfied, but I will schedule a council agenda item to change the conditions or extend the time for satisfying the conditions.
3. The conditions will not be satisfied, and two things will happen:
 - a. The abandonment will not become effective.
 - b. You will need to mark the resolution to indicate that it is void.

About ten months after the hearing, I will contact you to give you a status report.

In any event, I will personally call you about 30 days before the one-year anniversary to inform you of the status of this abandonment.

If you have any questions, please do not hesitate to call me. Thank you.

Jeff Barnes - extension 2-2376

EXHIBIT 'A'

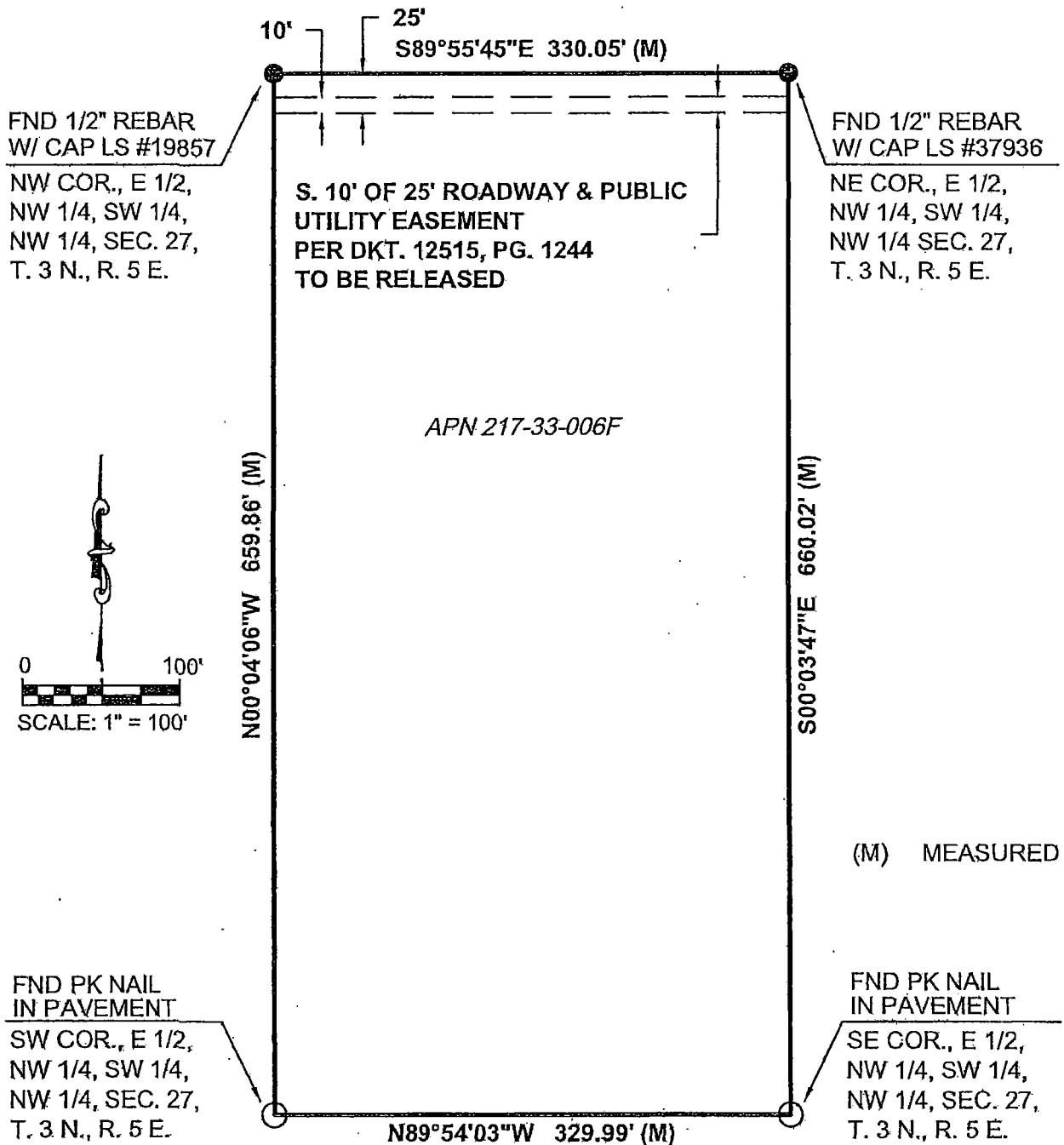
LEGAL DESCRIPTION

Legal Description for the release of a part of that certain 25' Roadway & Public Utility Easement as defined by Docket 12515, Page 1244, M.C.R., Maricopa County, Arizona, more particularly described as follows:

The South 10' of the North 25 feet of the East half of the Northwest quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXHIBIT B

PARCEL NO. 217-33-006F
11250 E. ARABIAN PARK DRIVE, SCOTTSDALE
LOCATED WITHIN THE SW 1/4, NW 14,
SEC. 27, T. 3 N., R. 5 E., MARICOPA COUNTY, ARIZONA



(M) MEASURED

ARABIAN PARK DRIVE

Exhibit B
Resolution No. 10102
Page 1 of 1

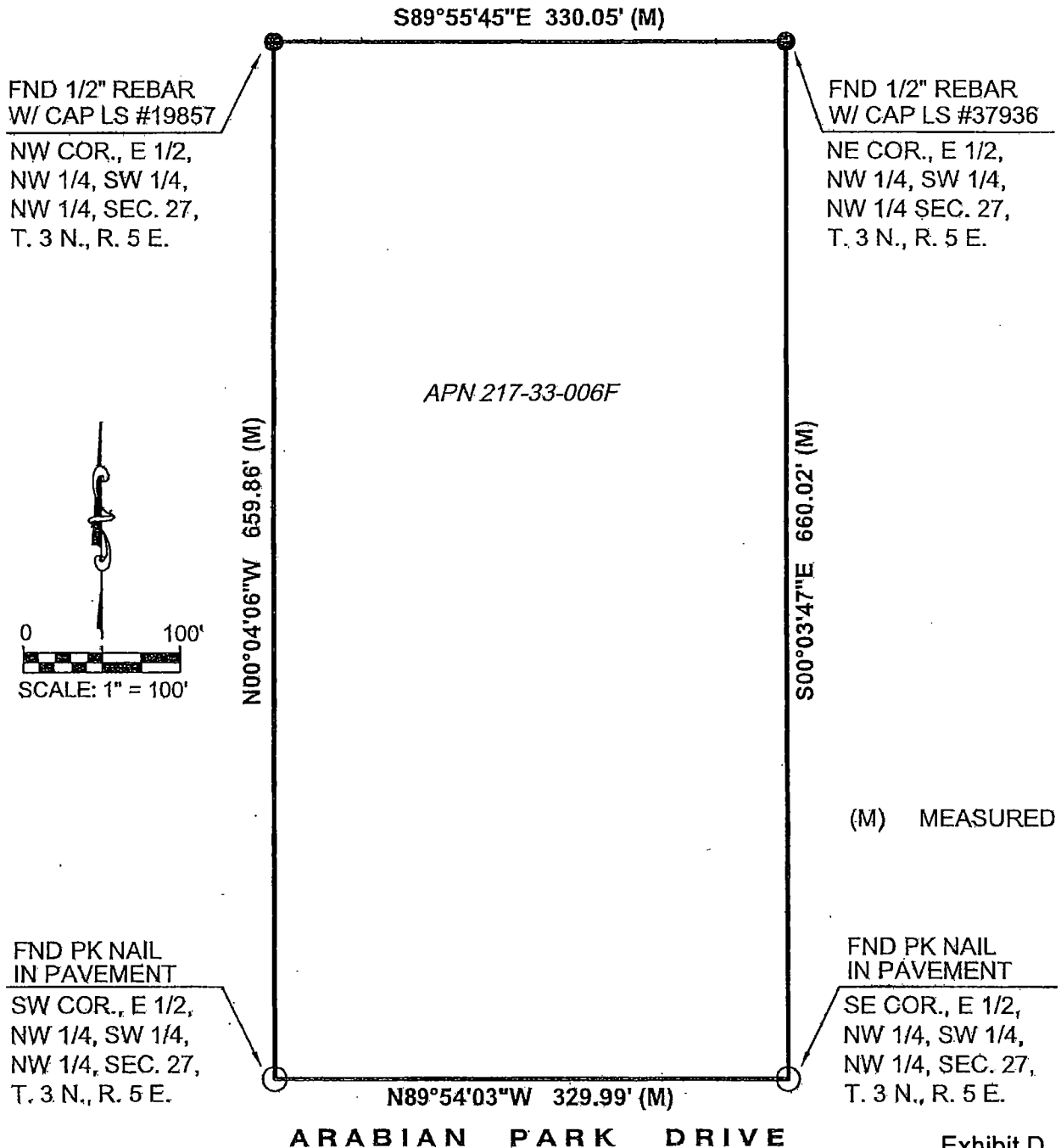
EXHIBIT C

LEGAL DESCRIPTION

The East half of the Northwest quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 3 North, Range 5 East of the Gila and Salt River Base Meridian, Maricopa County, Arizona.

EXHIBIT D

PARCEL NO. 217-33-006F
11250 E. ARABIAN PARK DRIVE, SCOTTSDALE
LOCATED WITHIN THE SW 1/4, NW 14,
SEC. 27, T. 3 N., R. 5 E., MARICOPA COUNTY, ARIZONA



Application Narrative (76-PS-2015) (7-AB-2011)

Hunkapi Farms

Request to consider the following:

Abandonment of the south ten (10) feet of a twenty-five (25) foot right-of-way and public utility easement located along the northern property line of parcel 217-33-006F, 11250 E. Arabian Park Dr., Scottsdale, AZ 85259 in exchange for the dedication of the twenty-five (25) feet of public right of way for the north half of E. Arabian Park Dr. along the southern boundary of the property.

The neighboring properties along the North side of E. Arabian Park Dr. were granted similar abandonments under cases 5-AB-2007, 17-AB-2006, and 13-AB-2005.

The site is zoned R1-43. A concurrent Development Application for a Conditional Use Permit under 1.403 Ranch is also under review. This abandonment/dedication is an addendum to the prior application 7-AB-2011. Reference Planning Commission Report dated 9/14/2011 (attached) with recommendation to the City Council for approval.



Hunkapi Farms

7-AB-2011#2

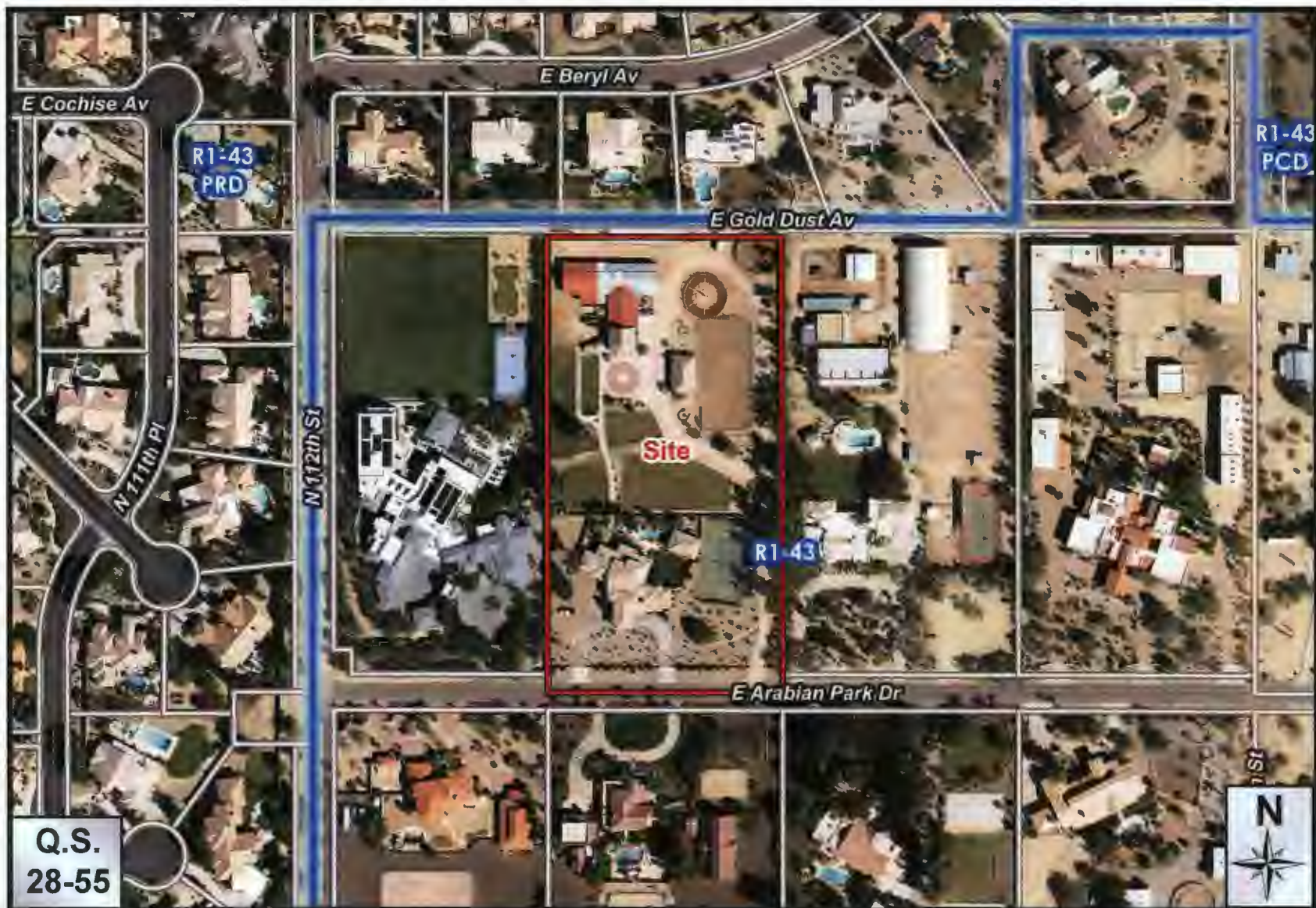
ATTACHMENT #3



Hunkapi Farms

7-AB-2011#2

ATTACHMENT #3A

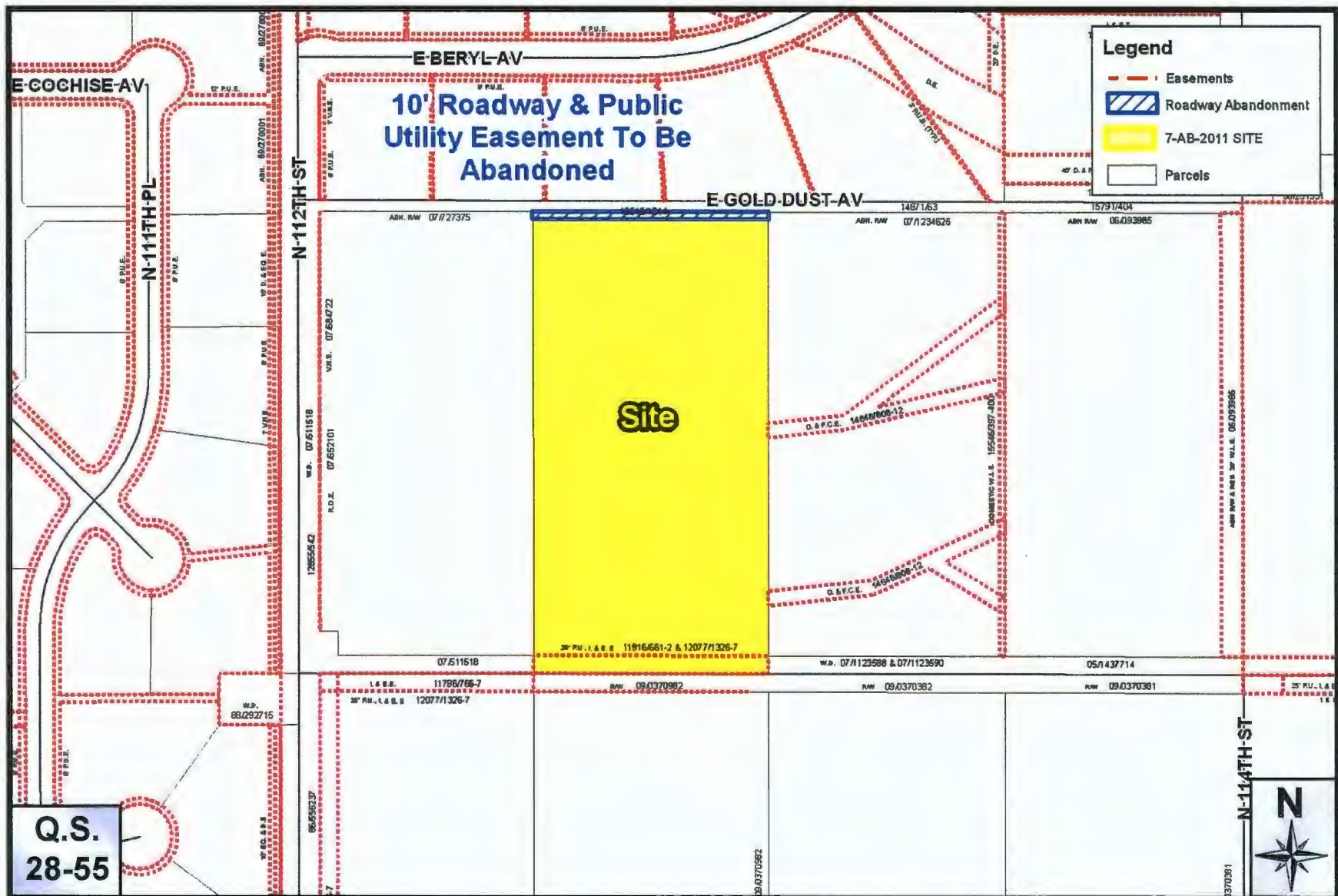


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28-55

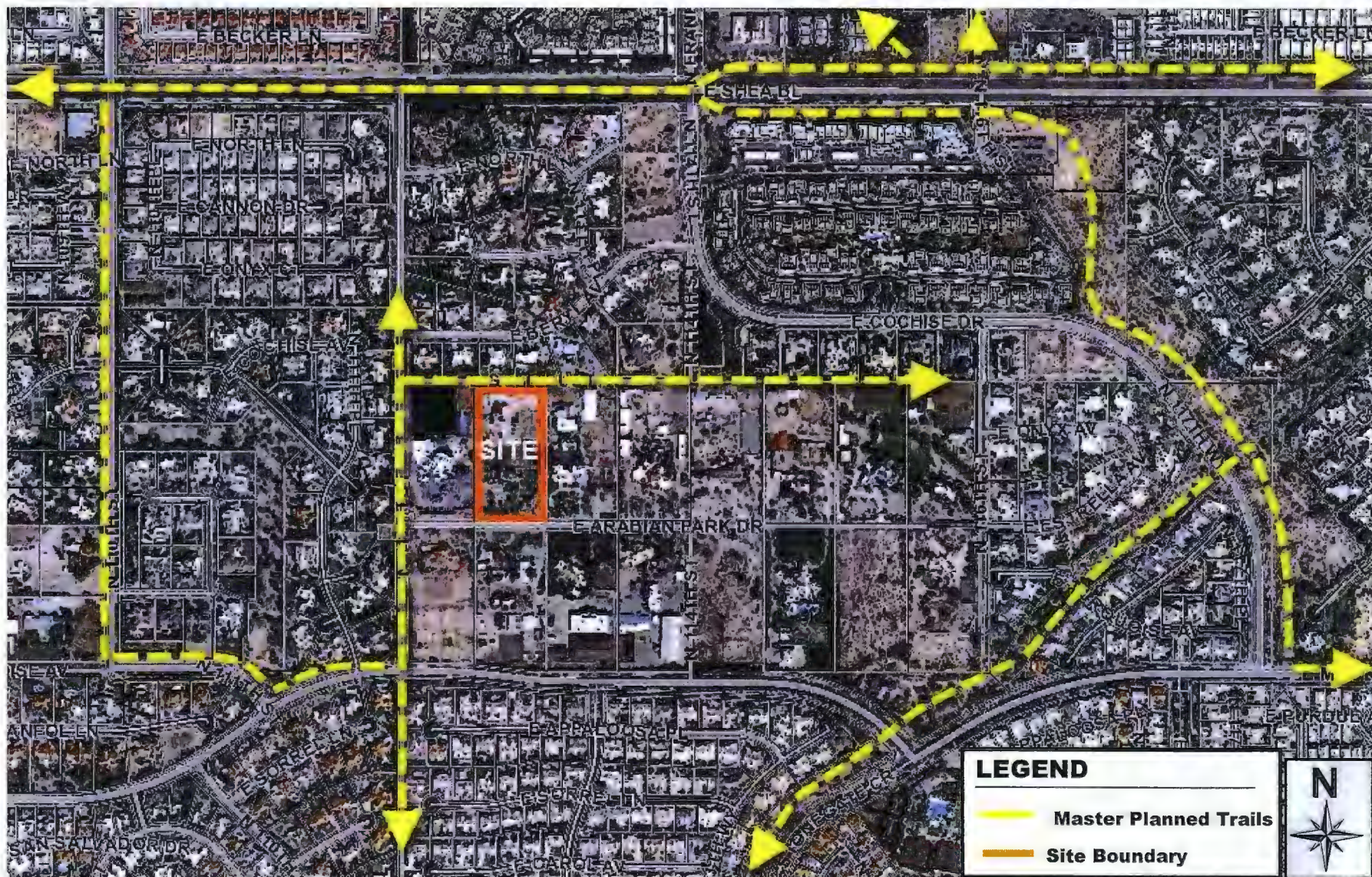
Hunkapi Farms

7-AB-2011#2

ATTACHMENT #4



Trails Map



7-AB-2011#2

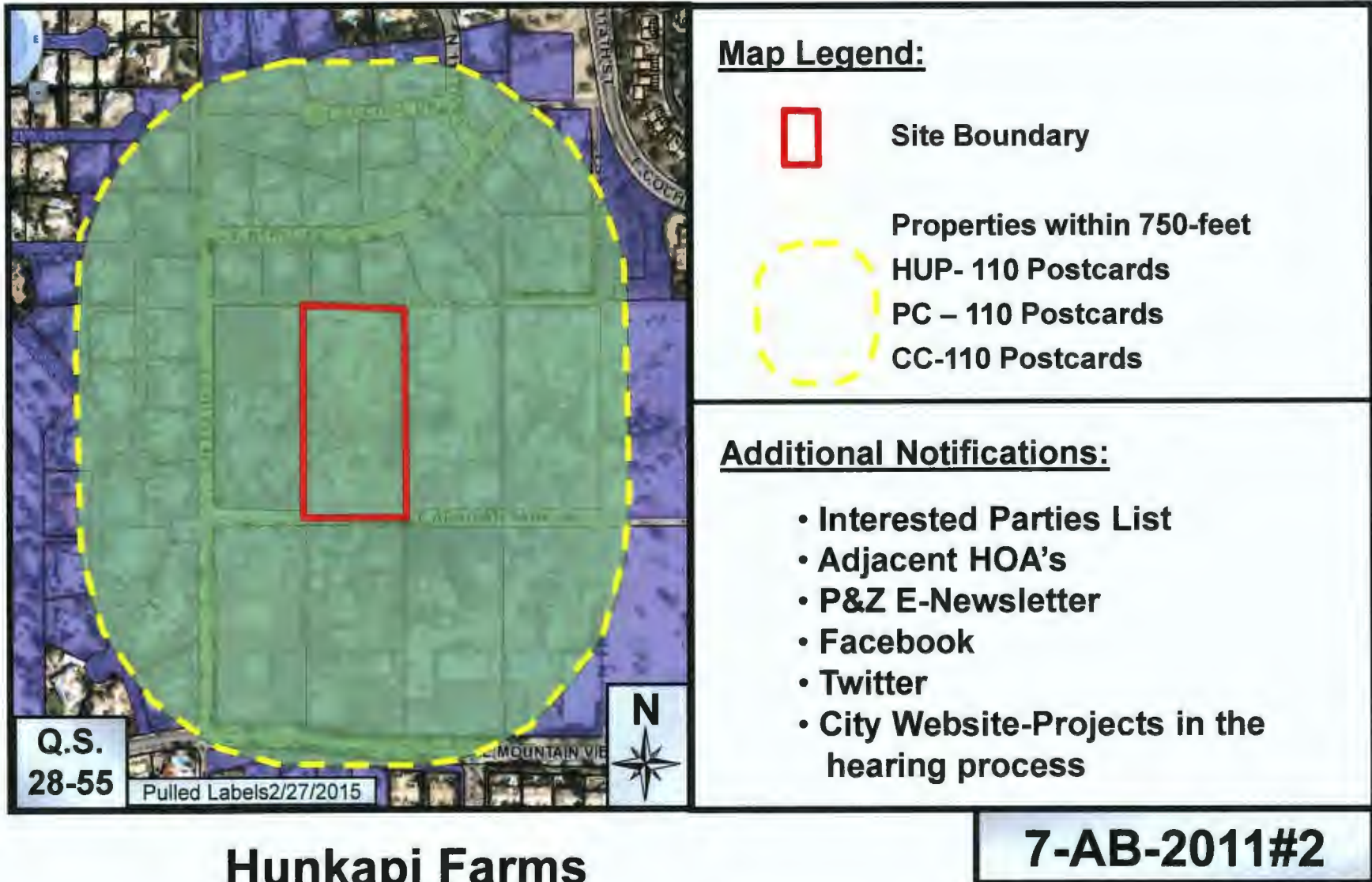
ATTACHMENT #6

Abandonment History Map



ATTACHMENT #7

City Notifications – Mailing List Selection Map





**SCOTTSDALE PLANNING COMMISSION
KIVA-CITY HALL
3939 DRINKWATER BOULEVARD
SCOTTSDALE, ARIZONA**

WEDNESDAY, MAY 13, 2015

DRAFT SUMMARIZED MEETING MINUTES

PRESENT: Michael Edwards, Chair
Matt Cody, Vice Chair
David Brantner, Commissioner
Larry S. Kush, Commissioner
Michael J. Minnaugh, Commissioner
Ali Faki, Commissioner
Paul Alessio, Commissioner

STAFF: Tim Curtis
Joe Padilla
Jeff Barnes
Erin Perreault

CALL TO ORDER

Chair Edwards called the regular session of the Scottsdale Planning Commission to order at 5:01 p.m.

ROLL CALL

A formal roll call was conducted confirming members present as stated above.

* Note: These are summary action minutes only. A complete copy of the meeting audio is available on the Planning Commission website at:

www.scottsdaleaz.gov/boards/PC.asp

MINUTES REVIEW AND APPROVAL

1. Approval of April 22, 2015 Regular Meeting Minutes including the Study Session.

COMMISSIONER BRANTNER MOVED TO APPROVE THE APRIL 22, 2015 REGULAR MEETING MINUTES INCLUDING THE STUDY SESSION, SECONDED BY COMMISSIONER KUSH, THE MOTION CARRIED UNANIMOUSLY WITH A VOTE OF SEVEN (7) TO ZERO (0).

EXPEDITED

2. [7-AB-2011#2 \(Hunkapi Farms Abandonment\)](#)

Request by applicant for re-approval of the abandonment of the south ten (10) feet of a twenty-five (25) foot right-of-way and public utility easement located along the northern property line of a parcel located at 11250 E Arabian Park Drive with Single-Family Residential District (R1-43) zoning. Staff contact person is Jeff Barnes, 480-312-2376. **Applicant contact person is Terra Schaad, 480-393-0870.**

3. [7-AB-2014 \(Pinnacle Peak Patio\)](#)

Request approval to abandon portions of right-of-way located just north of the intersection of E. Pinnacle Peak Parkway and E. Jomax Road, adjacent to a parcel at 10424 E. Jomax Road with Townhouse Residential, Central Business, District Environmentally Sensitive Lands (R-4 ESL & C-2 ESL) zoning. Staff contact person is Jeff Barnes, 480-312-2376. **Applicant contact person is John Berry, 480-385-2727.**

ITEM NO'S 2 & 3; RECOMMENDED CITY COUNCIL APPROVE CASES 7-AB-2011#2 AND 7-AB-2014, MOTION BY COMMISSIONER BRANTNER, PER THE STAFF RECOMMENDED STIPULATIONS, BASED UPON THE FINDING THAT THE ABANDONMENTS ARE CONSISTENT AND CONFORM WITH THE ADOPTED GEREAL PLAN, SECOND BY COMMISSIONER FAKIH. THE MOTION WAS APPROVED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

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NON-ACTION ITEM

Presentation and discussion on the first two chapters of the General Plan Task Force recommended, draft General Plan 2035, including Chapter 1: Character and Culture, and Chapter 2: Environment.

ADJOURNMENT

With no further business to discuss, the regular session of the Planning Commission adjourned at 5:33 p.m.

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